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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,533	09/29/2000	Rabah Hamdi	1662-28700 (P99-2774)	2633

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,533

Applicant(s)

HAMD, RABAH

Examiner

Thuan N. Du

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on March 31, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-13, 15, 16 and 22 is/are allowed.
- 6) ☒ Claim(s) 10, 14, 17-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 3/31/05).
2. Claims 1-27 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Flammer (U.S. Patent No. 5,465,398).
5. Regarding claim 24, Flammer teaches a method comprising:
 - at a receiving node, receiving a training packet at a received power level [col. 3, lines 39-43; col. 4, lines 42-47] that was sent at a predetermined power level [col. 3, lines 28-30] known by the receiving node [col. 3, line 59 to col. 4, line 15; col. 4, lines 25-28];
 - at said receiving node, determining a minimum power level for communications between a transmission node and said receiving node based on a comparison of the received power level to the predetermined power level [col. 3, lines 43-51; col. 4, lines 47-66]; and
 - sending a configuration packet (indicator has a value of zero) from said receiving node to said transmission node including the determined minimum power level for communication [col. 3, lines 47-51; col. 4, lines 38-40].

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6. Regarding claim 25, Flammer teaches that an attenuation associated with the training packet is determined [col. 4, lines 42-53].

7. Regarding claim 26, Flammer teaches an electronic device comprising:

a line interface (antennas 11, 16) adapted to receive packets from a network [Fig. 1; col. 3, lines 13-24]; and

control logic (controller 13) coupled to the line interface [Fig. 1] wherein, based on a predetermined power level at which a training packet is transmitted to the electronic device [col. 3, lines 28-30], the control logic determines a power level for transmissions to the electronic device [col. 3, lines 35-57; col. 4, lines 38-66].

8. Regarding claim 27, Flammer teaches that the control logic determines an amount of attenuation experienced by the training packet en route to the electronic device [col. 4, lines 42-53].

Claim Rejections - 35 USC § 103

9. Claims 10, 14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flammer (U.S. Patent No. 5,465,398) and Roehr (U.S. Patent No. 5,784,002).

10. Regarding claim 10, Flammer teaches a system for performing adaptive power control of communications between a transmission node (source node 4) and a receiving node (target node 6) in a network, comprising:

a line interface (antennas 11, 16) coupled (wirelessly) to the transmission media (18) of the network (2) [Fig. 1; col. 3, lines 13-24];

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a receiver (12) operating in the receiving node of the network [col. 3, lines 32-33],
comprising:

receiver signal processing logic coupled to said line interface to receive and extract data from transmissions on the transmission media [col. 3, lines 32-34];

receiver control logic (controller 13) coupled to said receiver [Fig. 1], wherein, based on a predetermined power level known by the receiving node [col. 3, line 59 to col. 4, line 15; col. 4, lines 25-28] at which a training packet is transmitted to the receiving node [col. 3, lines 28-30], the receiver control logic determines the preferred power level for transmissions received from a transmission node in the network and transmits the preferred power level to the transmission mode [col. 4, lines 38-40].

Flammer does not explicitly teach receiver signal monitoring logic coupled to said line interface to monitor the status of the transmission media of the network.

Roehr teaches a system for communicating between devices, wherein each device comprises a receiver signal monitor logic for monitoring the status of the transmission media of the network [col. 3, lines 5-6].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Flammer so that the status of the transmission media of the network could be monitored as taught by Roehr. The modification would increase the flexibility of the system by allowing the system to recognize the traffic on the transmission media.

11. Regarding claim 14, Flammer teaches that the control logic determines an attenuation between the receiving node and the transmission node [col. 4, lines 42-53].

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12. Regarding claim 17, Flammer teaches that the receiver control logic sends the preferred power level to the transmission node for transmission [col. 4, lines 38-40].

13. Regarding claim 18, Flammer teaches that the control logic controls the data extraction from the transmission media [col. 3, lines 32-34].

14. Regarding claim 19, Flammer teaches that the receiving node confirms success of communication between the transmission node and the receiving node by sending an acknowledgment to the transmission node [col. 3, lines 55-58].

15. Claims 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flammer (U.S. Patent No. 5,465,398).

16. Regarding claim 20, Flammer teaches a system for performing adaptive power control of communications between nodes (4, 6) in a network, comprising:

a line interface (antennas 11, 16) coupled (wirelessly) to the transmission media (18) of the network (2) [Fig. 1; col. 3, lines 13-24];

a transmitter (8) operating in a transmission node (4) of the network, comprising:

transmitter signal processing logic coupled to said line interface to send transmissions to the transmission media [col. 3, lines 25-32];

transmitter control logic (9) coupled to said signal processing logic, where the transmitter control logic directs the transmitter signal processing logic to send a packet to the receiving node at a predetermined power level [col. 3, lines 28-30] known by the receiving node [col. 3, line 59 to col. 4, line 15; col. 4, lines 25-28] to enable the receiving node to specify a preferred transmission power level based on the predetermined power level of the packet [col. 3, lines 35-58; col. 4, lines 38-65], directs the transmitter signal processing logic to send a primary data

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transmission to the receiving node at the preferred power level upon receiving the preferred power level sent by the receiving node [col. 5, lines 6-16].

Flammer does not explicitly teach the transmitter control logic waits for a configuration packet containing the preferred power level from the receiving node. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Flammer to wait for receiving a configuration packet containing the preferred power level sent by the receiving node before transmitting next packet. The modification would allow the system minimizing the number of data packets lost and minimizing the number of re-transmission due to the power level of the sent packets not compatible with the receiving node.

17. Regarding claim 21, Flammer teaches that the transmitter control logic determines the preferred power level for the primary data transmission from the configuration packet received back from the receiving node [col. 5, lines 7-17].

18. Regarding claim 23, Flammer teaches that the transmitter control logic uses the preferred power level information to adjust certain parameters and settings in the transmitter signal processing logic so that the primary data transmission is sent at the preferred power level [col. 5, lines 21-39].

Allowable Subject Matter

19. Claims 1-9, 11-13, 15, 16 and 22 are allowed.

Response to Argument

20. Applicant's arguments filed March 31, 2005 have been fully considered but they are not persuasive.

21. In response to applicant's argument that Flammer fails teach or suggest the receiving node knows the power level of the training packet sent to it by the transmitting node as amended in claims 10, 20 and 24, examiner respectfully disagrees. Flammer discloses that the training packet is sent at a power level which determined and derived from indicators from the receiving node. Therefore, the receiving node would know and/or expect the power level of the training packet to be received.

22. In response to applicant's argument that claim 26 is allowable over the prior art because the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the receiving node knowing predetermining the power level at which the training packet was transmitted) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 10:00 am - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Thuan N. Du
June 2, 2005